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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,429	12/28/2000	Marc J. Krolczyk	XXT-058	7868

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EXAMINER

NGUYEN, NHON D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,429

Applicant(s)

KROLCZYK ET AL.

Examiner

Nhon (Gary) D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said tabbed pages" in line 22. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claim 1-5, 7-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bodnar (US 6,544,295).

As per independent claim 1, Bodnar teaches a document processing system having a user interface, said user interface comprising:

a tab data entry frame facilitating entry of tab data and entry of tab content (fig. 9A; col. 9, lines 64-67); and

a page preview frame showing a tab layout and said tab content (fig. 9A).

As per claim 2, which is dependent on claim 1, according to Bodnar's col. 9, lines 64-67, it is inherent that when a user selects on the "New Tab", a user interface presented to allow all of the tab data and tab content to be entered at one time.

As per claim 3, which is dependent on claim 1, Bodnar teaches the user interface allows said tab content to be entered during creation of a document (col. 10, lines 12-13).

As per claim 4, which is dependent on claim 1, Bodnar teaches the page preview frame shows an accurate image of said tabbed page with said tab content (fig. 9A).

As per claim 5, which is dependent on claim 1, Bodnar teaches the page preview frame shows an accurate image of a plurality of said tabbed pages with a corresponding plurality of said tab content (fig. 9A).

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As per claims 7 and 8, which are dependent on claims 1 and 7 respectively, Bodnar does not disclose the tab content comprises a color graphic; however, Bodnar teaches a Quick Mark Button can include a color graphical icon (fig. 9A; col. 10, lines 17-18). It would have been obvious to an artisan at the time of the invention to use the teaching of including a color graphical icon in a Quick Mark Button to include a color graphical icon in the tab content in Bodnar's system since it would allow the user to recognize tab contents easily without reading the text.

As per claim 9, which is dependent on claim 1, wherein Bodnar teaches the tab content includes merged fields (name and color fields; col. 9, line 66).

As per claim 10, which is dependent on claim 1, Bodnar teaches the user interface is adapted to compensate for deleted tabbed pages (col. 10, lines 9-11).

As per claim 11, which is dependent on claim 1, Bodnar teaches the user interface is adapted to automatically accommodate a change in tab data involving a change in tab modulus (col. 10, lines 8-9).

As per claim 12, which is dependent on claim 1, it is inherent in Bodnar's system that the user interface is adapted to digitize tab content (in order for the tab content to rotate as fig. 6).

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As per claim 13, which is dependent on claim 1, it is inherent in Bodnar's system that the user interface is adapted to justify tab content on said tab.

As per claim 14, which is dependent on claim 1, Bodnar teaches a personal computer hosts said user interface (fig. 1).

As per independent claim 15, Bodnar teaches a document processing system, comprising:
a user interface capable of automatically configuring tabbed pages within a document (col. 9, lines 64-67); and
an output device for processing said document including said tabbed pages (108 of fig. 1).

As per claim 16, which is dependent on claim 15, Bodnar teaches:
a personal computer for hosting said user interface; and a network coupling said personal computer to said output device (fig. 1).

As per independent claim 17, Bodnar teaches an automated method for processing a document having tabbed pages, said method comprising the steps of:
receiving tab modulus data; determining a location of a tab; receiving tab content; and positioning tab content onto said tab (col. 9, lines 64-67 through col. 10, lines 1-11).

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As per claim 18, which is dependent on claim 17, Bodnar teaches the step of positioning tab content involves rotating said tab content for placement on said tab (fig. 6).

As per independent claim 20, it is a similar scope to claim 17; therefore, it should be rejected under similar scope.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar in view of Tonomura et al ("Tonomura", US 6,571,054).

As per claim 6, which is dependent on claim 1, Bodnar does not disclose the user interface is adapted to receive data pertaining to a location of said tabbed pages in a document to allow for automated insertion of said tabbed pages. Tonomura discloses a tag table to receive location data of page tags for displaying in an Electric Image Book (122 D of fig. 9; col. 11, line 13-15). It would have been obvious to an artisan at the time of the invention to use the teaching from Tonomura of a tag table to receive location data of page tags for displaying in an Electric Image Book in Bodnar's system since it would allow the user to specify where to insert a tab in a document.

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As per claim 19, which is dependent on claim 17, it is rejected under the same rationale as claim 6.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5745718 A to Cline, Troy Lee et al. discloses folder bar widget.

US 6452609 B1 to Katinsky, Steve et al. discloses Web application for accessing media streams.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kistine L Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Nhon (Gary) Nguyen

June 27, 2003

Kristine Kincaid
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